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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,248	08/24/2001	Dirk Kolowrot	H3381 PCT/US	7954

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HENKEL CORPORATION  
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EXAMINER

GALLAGHER, JOHN J

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 05/21/2002

*S*

Please find below and/or attached an Office communication concerning this application or proceeding.

X-D-8

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/787248	
	Examiner	Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

Responsive to communication(s) filed on \_\_\_\_\_

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 15-35 and 11-14 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 15-35 and 11-14 is/are rejected.

Claim(s) 12-14 is/are objected to. *CR 50*

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

**Application Papers**

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). 7  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

**Office Action Summary**

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1. Applicants' Preliminary Amendments (2), filed 24 August 2001, have both been received and made of record.

2. The disclosure is objected to because of the following informalities: (a) Page 5 line 24 - "3" after "containing" should apparently read "2". (Further along this line, note lines 22 and 25 on this page); and (b) the Abstract page - EITHER delete the page numbers at the bottom of this page OR change it to "20".

Appropriate correction is required.

3. Claims 12-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim (MDC) should refer to other claims in the alternative only (i.e. the term "at least one of claims 1-11" is not (completely) alternative). See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits.

4. Claims 11-14, 22 and 27-33 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically (a) claims 11-14 STILL depend from cancelled claim 1, and which four claims themselves also apparently should have been cancelled; (b) claim 22 line 1 - no antecedent basis for the term "paraffinic"; (c) method of bonding claims 27 and 30 should be "fleshed out" to recite at least a step of (1) applying an adhesive to one or more

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of; and (2) contacting and/or pressing together, the substrates to be bonded i.e. these claims as now presented are seen to be incomplete; and (d) claim 33 - no antecedent basis for the term "the FIBER is . . . . thereof." in lines 1-2 thereof.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 15-17, 19-26 and 30-33 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Lindquist et al.

Lindquist et al. disclose a hot melt adhesive composition composed of an  $\alpha$ -olefin copolymer, an (e.g. cycloaliphatic) hydrocarbon tackifying resin and an (e.g. white paraffinic mineral) oil, which composition (a) may contain conventional (inert) additives (e.g. pigments etc.); (b) is characterized by low viscosity; and (c) exhibits excellent adhesion or adhesive affinity for thermoplastic (e.g. polyolefin etc.) resin substrate (e.g. film) materials. (Abstract, column 1 lines 13-15, column 2 lines 40-45 and 55-58, column 3 lines

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18-63, column 5 lines 4-24 and 54-56, column 6 lines 21-30). All of the essential compositional limitations of these claims (to include relative amounts of components) are held to be satisfied by this reference; further, although the term "sprayable" is not explicitly employed to define or characterize these adhesive compositions, they are indeed held to possess this capability (i.e. of being sprayed), in view of (a) their low viscosity (N.B. column 2 lines 40-45 and 55-58 and column 5 lines 9-13); and (b) the application equipment (viz. nozzles) employed to apply them (N.B. column 5 lines 54-56).

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sraill.

Sraill discloses a hot melt adhesive composed of an  $\alpha$ -olefin (e.g. propylene, butylene etc.) homo or copolymer, a hydrocarbon tackifying resin and an (e.g. mineral) oil (along with other conventional additives), which composition (a) is

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characterized by low viscosity; and (b) exhibits adhesive affinity for various substrate materials, to include paper, plastic, film etc. (Abstract, column 1 lines 27-38, column 2 lines 18-67, column 4 lines 53-56 and 70-73). All of the essential compositional limitations of these claims (to include relative component amounts) are held to be satisfied by this reference; further (a) although the term "sprayable" is not explicitly employed to define or characterize these adhesive compositions, they are indeed held to possess this capability (i.e. of being sprayed), in view of their disclosed low viscosity (N.B. column 4 lines 53-56); and (b) the use of a mixed monomer component for the production of the base  $\alpha$ -olefin polymer component (i.e. to form a propylene-butylene copolymer) is held to be implicitly encompassed within the teachings of this reference; further along this line, N.B. (1) column 2 lines 18-28; and also (2) paragraph 1 of In re Kerkhoven, 205 USPQ 1069.

9. Claims 27-29 and 34-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lindquist et al. in view of Alper et al.

Alper et al. disclose hot melt adhesive compositions of the type and most similar to those of Lindquist et al. and further that such (or like) adhesives are known to be (a) and customarily employed in the construction and production of

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disposable sanitary goods such as diapers and medical/surgical items; (b) formulated or blended utilizing a known technique which employs both (1) an inert gas blanket; and (2) the de application of vacuum, or to effect removal of trapped air from the blended composition; and (c) applied by spraying (Abstract, N.B. column 1 lines 10-26, column 4 lines 1-15, column 7 lines 1-63, column 8 lines 21-29, N.B. column 9 lines 25-50), such that it would have been obvious to one of ordinary skill in this art to (a) employ the adhesives of Lindquist et al. for the conventional and customary use documented in Alper et al. (viz. disposable sanitary goods formation); and (b) produce the adhesive of these primary patentees employing the formulation technique of Alper et al. for its documented, beneficial function and result (viz. entrapped air removal).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) 305-3599.  
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJGallagher:cdc

May 9, 2002

JOHN J. GALLAGHER  
PRIMARY EXAMINER  
ART. UNIT 1733

*[Handwritten signature of John J. Gallagher]*